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Aaron H. Shainis  
Lee J. Peltzman

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NOV 15 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY  
OF COUNSEL  
William M. DuRoss, III  
Matthew L. Leibowitz

November 15, 1994

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

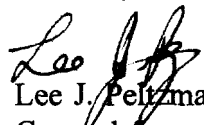
Re: Petition for Rule Making  
Duluth, Minnesota

Dear Mr. Caton:

Transmitted herewith, on behalf of QB Broadcasting, Inc., is an original and four (4) copies of its Petition for Rule Making seeking the substitution of Channel 269C3 for Channel 269A at Duluth, Minnesota, and the concurrent modification of license of Station KLXX-FM at Duluth.

Please contact the undersigned should questions arise regarding the filing of this Petition for Rule Making.

Sincerely,

  
Lee J. Peltzman  
Counsel for

QB BROADCASTING, INC.

Enclosure

cc: John A. Karousos, Esq.  
FCC - Room 8102

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Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of:

Amendment of Section 73.202(b)  
FM Table of Allotments  
(Duluth, Minnesota)

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)  
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MM DOCKET NO.  
RM-

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULE MAKING**

QB Broadcasting, Inc. ("QB"), licensee of Station KLXK-FM, Duluth, Minnesota, by its attorney, hereby respectfully requests that Section 73.202(b) of the Commission's rules be amended as follows:

	Channel No.	
	<u>Present</u>	<u>Proposed</u>
Duluth, Minnesota	269A	269C3

The allocation of Channel 269C3 at Duluth, Minnesota, can be made in accordance with the Commission's minimum distance separation and principal community coverage requirements. QB additionally requests the concurrent modification of its license for Station KLXK-FM to specify operation on Channel 269C3 at Duluth.<sup>1/</sup>

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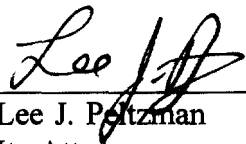
<sup>1/</sup> Channel 269C3 at Duluth is short spaced to Channel 269A, Station WHSM-FM, Hayward, Wisconsin. However, WHSM-FM has filed a one-step application to modify its channel of operation to Channel 266A. See attached public notice accepting for filing application of WHSM-FM, Hayward, Wisconsin. That notice incorrectly lists the licensee of Station WHSM-FM. The correct licensee of WHSM-FM is Q-Venture Broadcasting, Inc. ("Q-Venture"). It  
(continued...)

Clearly, the public interest would be advanced by the allotment of an expanded wide coverage area service to the community of Duluth, Minnesota. In the event that Channel 269C3 is allotted to Duluth, QB will promptly file an application for construction permit and, once that application is granted, will immediately construct its station and commence broadcast operations. In fact, concurrent with the filing of this rule making petition, QB is filing a "one-step" upgrade application for KLXK-FM with the Commission seeking modification of construction permit on Channel 269C3 at Duluth. However, that application is contingent on the grant of another application and, for that reason, a waiver of the Commission's rules is being sought therein. Therefore, QB requests that the Commission delay its processing of this petition and its release of a Notice of Proposed Rule Making in this matter until the Commission's FM Branch has determined whether it will accept or dismiss QB's "one-step" upgrade application.

Respectfully submitted,

QB BROADCASTING, INC.

By:

  
\_\_\_\_\_  
Lee J. Peltzman  
Its Attorney

SHAINIS & PELTZMAN  
Suite 200  
2000 L Street, N. W.  
Washington, D. C. 20036

202/416-1633

November 15, 1994

CA1994LJP.FCC/DULUTHRM.PT2

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<sup>1/</sup>(...continued)

should be noted that QB and Q-Venture are wholly-owned by the same individual, Alan R. Quarnstrom. In fact, the channel substitution at Hayward is being done to accommodate this Duluth upgrade proposal.

FM BROADCAST STATION APPLICATIONS ACCEPTED FOR FILING  
(MINOR CHANGE APPLICATIONS ARE SIMULTANEOUSLY ACCEPTED FOR TENDER)

NM BPH	-941027JC	NEW 103.7MHZ	COTTONWOOD COMMUNICATIONS CORP. ALAMOGORDO , NM	CP TO REPLACE EXPIRED PERMIT (BPH-870820MJ AS REINSTATED) 1ST REQUEST
NY BMPH	-941026JB	WXQZ 101.5MHZ	DAVID T. & ANN D. G. BUTTON CANTON , NY	MP (BPH-880810MP AS EXT) FOR EXTENSION OF TIME 4TH REQUEST
NY BALH	-941031GH	WKOL-FM 97.7MHZ	GATEWAY BROADCASTING CORP. AMSTERDAM , NY	VOL. ASSIGNMENT OF LICENSE FROM THE MEG COMPANY TO GEM ASSOCIATES, L.P. (AUX) FORM 316 ATTY: JAMES J. FREEMAN ASGE ADDRESS: POST OFFICE BOX 484/OAKTON, VA 22184
NY BMPH	-941031JA	WECQ 93.7MHZ	KIC RADIO, LTD. CLYDE , NY	MP (BPH-880519OI AS MOD) FOR EXTENSION OF TIME
WI BPH	-941004IC	WCQM 98.7MHZ	NICOLET BROADCASTING, INC. PARK FALLS , WI	CP TO MAKE CHANGES ERP: 57 KW (H&V), FREQ: 98.3 CLASS FROM A TO C
WI BPH	-941019IF	WHSM-FM 101.7MHZ	DONALD WELCH INTERIM MANAGER HAYWARD , WI	CP TO MAKE CHGS ERP: 1.5KW (H&V), FREQ: 101.1 MHZ, HAAT: 126 METERS (H&V)

## FM BROADCAST STATION APPLICATIONS PETITION FOR RECONSIDERATION FILED

CA BPH	-910327IC	KOCN 105.1MHZ	C.R. PASQUIER PROPERTIES, INC. PACIFIC GROVE , CA	CP TO MAKE CHANGES. CHG. FREQ. 105.1 MHZ; ERP 4.2 KW H&V; HAAT 240.7 METERS H&V; TL: APROX 3.2 KM NORTH OF CARMEL VALLEY AIRPORT (062), A SMALL, LOW-TRAFFIC AIRSTRIP CLASS B1 PER MM DOCKET 90-17 *CP CANCELLED ON: 10-04-94 PET FOR RECON FILED 10-31-94
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## FM BROADCAST STATION APPLICATIONS AMENDMENT RECEIVED

AK BALH	-940729GH	KYKD 100.1MHZ	ARCTIC BROADCASTING ASSOCIATION BETHEL , AK	AMENDMENT (941018G5)
CA BMPH	-901224IG	KHWY 98.9MHZ	KRXV, INC. ESSEX , CA	ENGINEERING AMENDMENT (941025IC)
FL BMPH	-940509IQ	NEW 105.5MHZ	JUPITER RADIO PARTNERS JUPITER , FL	ENGINEERING AMENDMENT (941101IA)



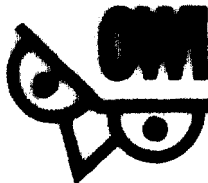
**OWL ENGINEERING, INC.**

CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112  
(612) 631-1338 • Fax (612) 631-3502

**ENGINEERING STATEMENT ON BEHALF OF  
QB BROADCASTING  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

**September 30, 1994**



# **OWL ENGINEERING, INC.**

**CONSULTING COMMUNICATIONS ENGINEERS**

1386 W. County Road F, St. Paul, MN 55112  
(612) 631-1338 • Fax (612) 631-3502

**ENGINEERING STATEMENT ON BEHALF OF  
QB BROADCASTING  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

Owl Engineering, Inc. has been retained by QB Broadcasting (hereafter QB) to prepare this Engineering Statement in support of a petition to amend the FM Table of Allotments, FCC Rule Section 73.202(b) as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Duluth, MN	269A	269C3

The reference coordinates used for this study are:

46 38' 11" North Latitude  
92 00' 26" West Longitude

The proposal of QB was evaluated to determine if the proposed site coordinates would meet FCC spacing requirements. That analysis is attached as Engineering Exhibit E-1. As can be seen from exhibit E-1, QB's proposal meets all FCC spacing requirements set forth in section 73.207 of the FCC Rules.

The proposal of QB was evaluated to determine if the proposed site would meet FCC signal coverage requirements. The three to sixteen kilometer average terrain was computed using the NGDC data base and the distance to contours was computed using the FCC F(50,50) metric curves. The distance to the 70 dBu contour was calculated with an antenna



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THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

Height Above Mean Sea Level (HAMSL) of 331 meters (HAAT: 100 meters) and an output power of 25 KW ERP. Engineering Exhibit E-2 shows the 70 dBu contour plotted and demonstrates that the entire city of Duluth is served by a signal strength of 70 dBu or greater.

The reference site would also provide line of site coverage to Duluth. Engineering Exhibit E-3 shows a terrain profile plot from the reference site to the city of Duluth. This permitted a determination to be made that there are no major obstructions in the intervening path from the transmitter site to the principal community. Clearly, the proposal of QB meets the requirements of FCC Rule section 73.315.

The reference site is depicted in Engineering Exhibit E-4 and shows that the reference site is suitable for tower construction.



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IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

**Based on the engineering studies provided, the following conclusions can be  
obtained:**

- 1. The proposal will provide Duluth with a full time regional broadcast service.**
- 2. The proposal will meet the requirements of FCC Rule Section 73.315.**
- 3. The proposal will meet the requirements of FCC Rule Section 73.207.**





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QB BROADCASTING  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

**AFFIDAVIT**

RAMSEY COUNTY                    )  
  )  
STATE OF MINNESOTA            )       ss:

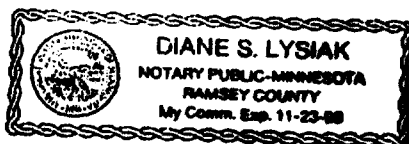
Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota; that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission; that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



*Michael W. Radovich*

Michael W. Radovich, P.E.

Subscribed and sworn to before me this date September 30, 1994



*Diane S. Lysiak*

Diane S. Lysiak  
Notary Public

My commission expires November 23, 1998



# OWL ENGINEERING, INC.

CONSULTING COMMUNICATIONS ENGINEERS

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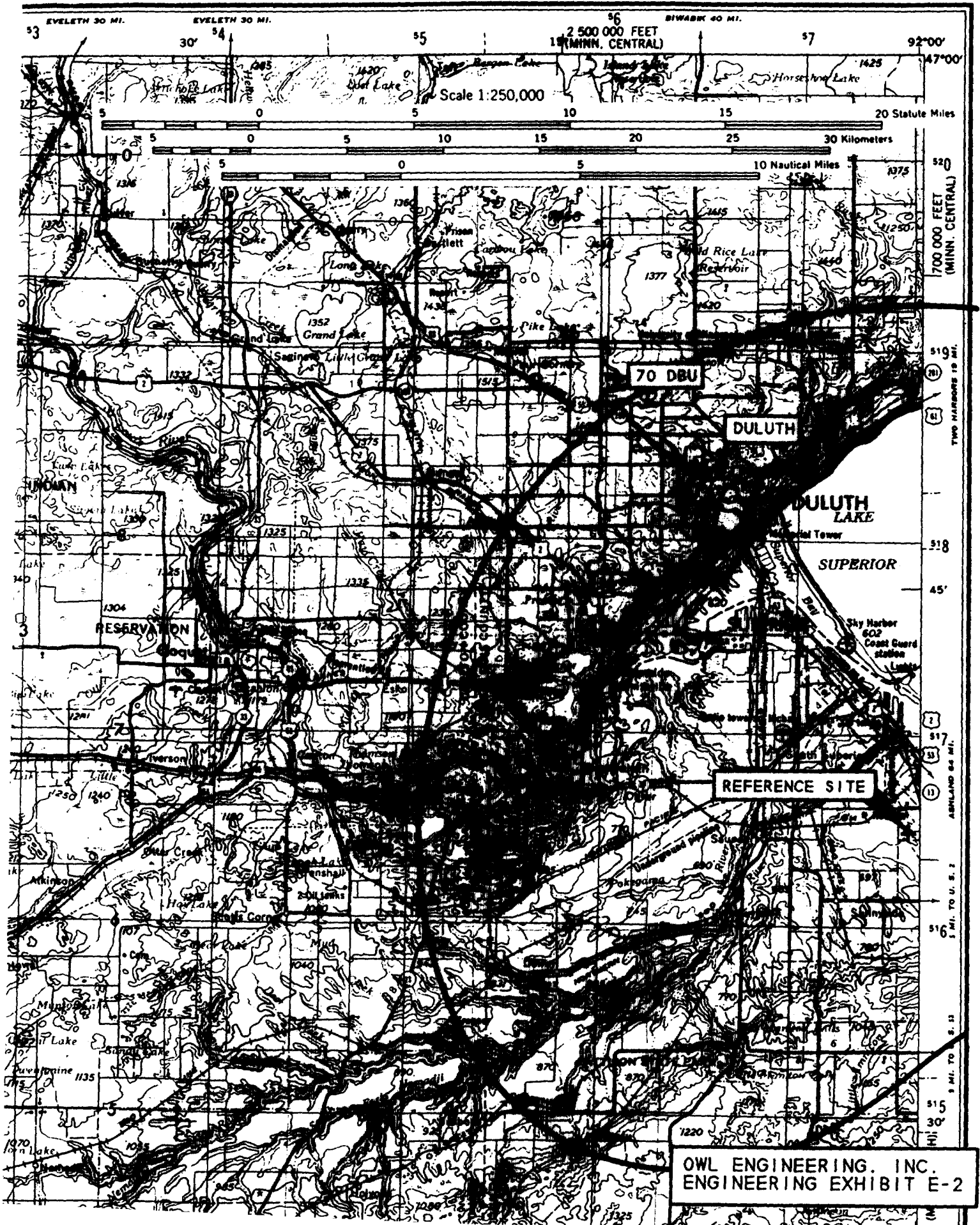
**ENGINEERING EXHIBIT E-1  
QB BROADCASTING  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

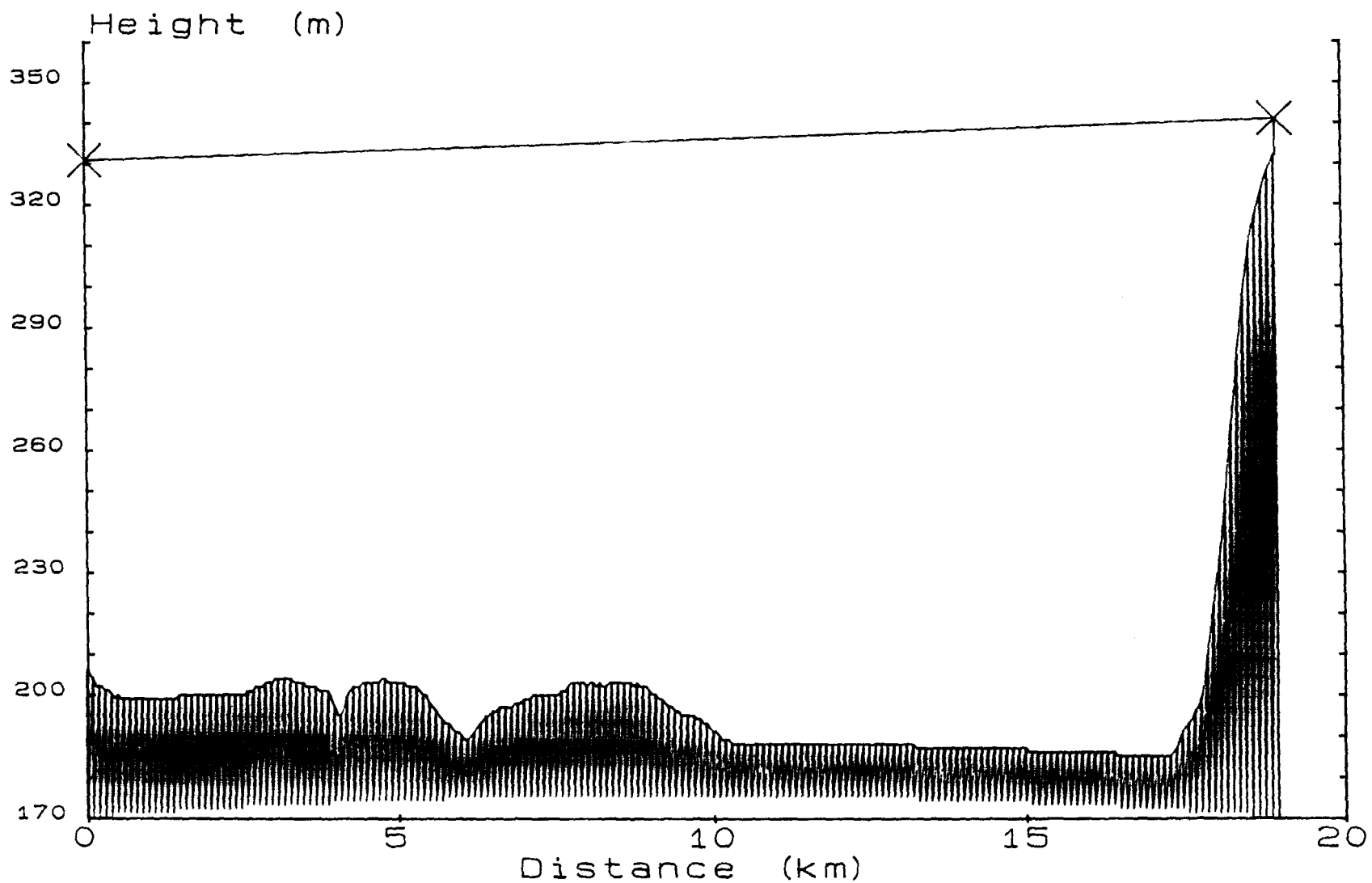
FM Channel 269-C3

LATITUDE: 46° 38' 11"  
LONGITUDE: 92° 0' 26"

CHNL	Call	City	Class	Calculated Km.	Required Km.	Clear- ance	Bearing °
215		NO CONFLICT					
216		NO CONFLICT					
266		NO CONFLICT					
267		NO CONFLICT					
268		NO CONFLICT					
269	WHSMPM	FMWI Hayward	A	80.86	142	-61.14	153.42*
269		FAON Fort Frances	B	250.77	223	27.77	332.43
269	WHMH	FRMN Sauk Rapids	C2	214.54	177	37.54	235.88
270		FRMN Nashwauk	C3	114.75	99	15.75	311.83
271		NO CONFLICT					
272		NO CONFLICT					

\* WHSMFM has filed a one step application modifying their channel of operation to channel 266A.





Profile Study For Duluth, MN

Owl Engineering, Inc.  
1305 W. County Rd. F

Saint Paul, Minnesota  
(612) 631-1338

Engineering Exhibit E-3

